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Attorneys for Defendant Walmart Stores, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

JULIA WORKMAN,

Case No. 6:22-cv-00876

Plaintiff,

v.

**DEFENDANT WALMART STORES,
INC.'S NOTICE OF REMOVAL**

WALMART STORES INC.,

JURY TRIAL REQUESTED

Defendant.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441, § 1446 and § 1332(a), Defendant Walmart Stores, Inc.'s (hereinafter "Defendant") removes this action from the Circuit Court of the State of Oregon for the County of Linn to the United States District Court of Oregon, Eugene Division. The grounds for removal of this action are:

RELEVANT FACTS

On May 13, 2022, Plaintiff filed a Complaint in the Circuit Court of Linn County, Oregon. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. *See* Declaration of Jessica Lancaster (hereinafter “Lancaster Dec.”), ¶2. On May 26, 2022, Plaintiff served Walmart Stores, Inc. with a Summons and Complaint captioned *Workman v. Walmart Stores, Inc.*, Case No. 22CV15928, filed in the Circuit Court for the State of Oregon for the County of Linn, State of Oregon. *See* Lancaster Dec., ¶3, Ex. C. These documents, taken together, constitute all process, pleadings and orders served on Walmart Stores, Inc. in that action up to the present date. Lancaster Dec., ¶4.

GROUND FOR REMOVAL

Pursuant to 28 U.S.C. § 1441(a), a defendant may remove an action filed in the state court to the United States District Court if the district court has diversity jurisdiction over the action. This action is one over which the district court has diversity jurisdiction under 28 U.S.C. § 1332(a)(1). The grounds for removal of this action are:

1. Plaintiff’s principal claims for relief against the defendants exceed \$75,000. Plaintiff seeks damages of \$350,000. Complaint ¶11.

2. Plaintiff and defendant are residents of different states. On information and belief, Plaintiff is a resident of Oregon. *See* Lancaster Dec., ¶5. Walmart Stores, Inc. is a Delaware corporation with its principal place of business in Bentonville, Arkansas. Lancaster Dec., ¶6. Therefore, the United States District Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as less than 30

days have elapsed since copies of the Summons and Complaint were served on Walmart Stores, Inc. A copy of the Service of Process/Declaration of Service is attached to the Lancaster Dec. as Ex. C.

4. No further proceedings have occurred in the Circuit Court of the State of Oregon for the County of Linn as of the date of this removal other than outlined herein.

5. Counsel for Walmart Stores, Inc. will file a copy of this Notice of Removal with the Clerk of the Circuit Court of the State of Oregon for the County of Linn and will give notice of the same to Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Walmart Stores, Inc. prays that this action be removed from the Circuit Court for the State of Oregon for the County of Linn and placed on the docket of the United States District Court for the District of Oregon in the Eugene Division.

DATED this 16th day of June, 2022.

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

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JULIA WORKMAN,

Case No. 6:22-cv-00876

Plaintiff,

CERTIFICATE OF SERVICE

v.

WALMART STORES INC.,

Defendant.

I hereby certify that on the 16th day of June, 2022, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered individuals. Additionally, I hereby certify that a true copy of the foregoing

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DEFENDANT WALMART STORES, INC.'S NOTICE OF REMOVAL was served as
stated below on:

S. Matthew Lind
OlsenDaines, PC
3995 Hagers Grove Road SE
Salem, OR 97317

*Attorneys for JULIA WORKMAN,
Attorneys for Plaintiff*

- ☐ By hand delivery
- ☒ By first-class mail*
- ☐ By overnight mail
- ☐ By facsimile transmission:
Fax #:
- ☒ By e-mail:
mlind@olsendaines.com
- ☒ By U.S. District Court CM/ECF e-filing
service to registered parties

*With first-class postage prepaid and deposited in Portland, Oregon.

DATED this 16th day of June, 2022.

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